

1 S.175

2 Introduced by Senator Collins

3 Referred to Committee on Education

4 Date: January 7, 2014

5 Subject: Education; school districts; district of residence; legal residence

6 Statement of purpose of bill as introduced: This bill proposes to authorize a
7 student who is enrolled in a Vermont public school and who moves to a new
8 Vermont school district during the school year to retain legal residency in the
9 original district and remain enrolled in the original school for the remainder of
10 the school year. In addition, it would authorize the two school districts to
11 permit the student to retain legal residency for a subsequent year or years.
12 During any period of retained residency, the two school districts would have
13 whatever rights and responsibilities they would have had if the student were
14 physically domiciled in the original district, except that the original district
15 would not be required to provide transportation.

16 An act relating to permitting a student to remain enrolled in a Vermont
17 public school after moving to a new school district

18 It is hereby enacted by the General Assembly of the State of Vermont:

1 ~~Sec. 1. 16 V.S.A. § 1075 is amended to read:~~

2 § 1075. LEGAL RESIDENCE ~~DEFINED~~; RESPONSIBILITY FOR AND
3 PAYMENT OF EDUCATION OF PUPILS STUDENT

4 (a) For the purpose of this title, ~~except as otherwise set forth herein, the~~
5 ~~legal residence or residence of a pupil shall be as follows:~~

6 (1) ~~in the case of a minor, legal residence is~~ If the student is a minor,
7 then the student's legal residence is where his or her parents reside,
8 except that:

9 * * *

10 (2) ~~in the case of a student who~~ If the student has reached the age of
11 majority, then the student's legal residence is where the student resides;

12 (3) ~~for the purposes of this title, A~~ "resident" of the State and of a school
13 district ~~means~~ is a natural person who is domiciled in the school district and
14 who, if temporarily absent, demonstrates an intent to maintain a principal
15 dwelling place in the school district indefinitely and to return there, coupled
16 with an act or acts consistent with that intent. The term "temporarily absent"
17 includes those special cases listed in 17 V.S.A. § 2122(a). The term
18 "residence" is synonymous with the term "domicile."

19 (4) A married person may have a domicile independent of the domicile
20 of his or her spouse. ~~¶~~

1 ~~(5) Except as provided in subsection (k) of this section, if a person~~
2 removes to another town with the intention of remaining there indefinitely, that
3 person shall be considered to have lost residence in the town in which the
4 person originally resided even though the person intends to return at some
5 future time.

6 (6) A person may have only one residence at a given time.

7 * * *

8 (k)(1) If a student has legal residence in a Vermont school district (the
9 original district) and is enrolled in and attending a school maintained and
10 operated by that district, and if at any time after the first day of the then current
11 school year the student removes to a different Vermont school district (the
12 second district) with the intention of remaining there indefinitely, then:

13 (A) the student, or the student's parent or legal guardian if the student
14 is a minor, may choose to retain his or her legal residence in the original
15 district and remain enrolled in the school maintained by the original district for
16 the remainder of the school year by notifying both school districts of the
17 decision to retain residency; and

18 (B) if requested by the student, or the student's parent or legal
19 guardian, the school board of the original district and the school board of the
20 second district may agree to allow the student to retain legal residency in the
21 original district for one or more subsequent school years.

1 ~~(2) If a student retains legal residency in the original district pursuant to~~
2 ~~this subsection, then the original district and the second district each shall have~~
3 ~~exactly those rights and responsibilities in connection with the student that it~~
4 ~~would have if the student were physically domiciled in the original district;~~
5 ~~provided, however, that the original district is not required to provide~~
6 ~~transportation for the student even if it provides transportation for other~~
7 ~~students enrolled in the school it maintains.~~

8 (3) There is no right of appeal under subsection (b) of this section or
9 otherwise from any decision made pursuant to this subsection (k).

10 Sec. 2. 16 V.S.A. § 4001(1) is amended to read:

11 (1) "Average daily membership" of a school district, or if needed in
12 order to calculate the appropriate homestead tax rate, of the municipality as
13 defined in 32 V.S.A. § 5401(9), in any year means:

14 (A) The full-time equivalent enrollment of pupils, as defined by the
15 State Board by rule, who are legal residents of the district or municipality
16 attending a school owned and operated by the district, attending a public
17 school outside the district under section 822a of this title, or for whom the
18 district pays tuition to one or more approved independent schools or public
19 schools outside the district during the annual census period, or who have been
20 deemed to have retained legal residency in the district pursuant to subsection

1 ~~1075(k) of this title. The census period consists of the 11th day through the~~
2 30th day of the school year in which school is actually in session.

3 * * *

4 Sec. 3. EFFECTIVE DATE

5 ~~This act shall take effect on July 1, 2014.~~

Sec. 1. 16 V.S.A. § 1093 is amended to read:

§ 1093. NONRESIDENT STUDENTS

(a) A school board may receive into the schools under its charge nonresident students under such terms and restrictions as it deems best and money received for the instruction of the students shall be paid into the school fund of the district.

(b) Notwithstanding subsection (a) of this section, if a student has legal residence in a Vermont school district and is enrolled in and attending a school maintained and operated by that district, and if at any time after completion of the annual census period defined in subdivision 4001(1)(A) of this title the student moves to a different Vermont school district with the intention of remaining there indefinitely as contemplated in subsection 1075(a) of this title, then the student, or the student's parent or legal guardian if the student is a minor, after a meeting at which the student, the student's parent or legal guardian if the student is a minor, and representatives of both school districts discuss the educational advantages and disadvantages of the student remaining in the original district, the student or the student's parent or guardian may choose to remain enrolled in the school maintained by the original district for the remainder of the school year by notifying both school districts of the decision to do so.

(c) Nothing in this section shall be construed to eliminate State or federal requirements for a district to enroll eligible students residing outside the district under the McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11301 et seq., as may be amended.